IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6806 of 2001
to
SPECIAL CIVIL APPLICATION No 6810 of 2001
with
SPECIAL CIVIL APPLICATION No 4092 of 2001
with
SPECIAL CIVIL APPLICATION No 7419 & 7420/2001

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

KESHUBHAI MANGALJIBHAI
Versus
STATE OF GUJARAT

Appearance:
1. Special Civil Application No. 6806 of 2001
MR DC SEJPAL for Petitioner No. 1-4
MR AD OZA, GOVERNMENT PLEADER for Respondent No. 1,3
MR TUSHAR MEHTA for Respondent No. 2

CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 24/07/2003

COMMON ORAL JUDGEMENT

Heard the learned advocate Mr.Sejpal on behalf of the petitioner, learned advocate Mr.Tushar Mehta appearing on behalf of Amreli - Municipality and learned Government Pleader Mr.A.D.Oza appearing on behalf of State authority including Director of Municipality.

2) Learned advocate Mr.Sejpal has submitted that in this group of petitions the order of Deputy Director of Municipality has been challenged by the petitioners. However, he submitted that today this Court has confirmed the benefit of permanency in favour of each respondent-workmen, those who are the petitioner in the present group of petitions and this Court has also directed to the Municipality to implement the award in respect to the benefit of permanency within a period of two months from the date of receiving the copy of that order and 25% arrears of interim period are directed to be paid, therefore, in light of this development, Mr.Sejpal has submitted that petitioners will approach the State Government for the grievance voiced in all these petition and they will make necessary representation to the state authority and he requested that some suitable directions may be issued to the respondent - state authority, including Director of Municipality so that they may consider the representation of the petitioners and pass appropriate orders in light of the award passed by the Industrial Tribunal and Labour Court and decision rendered by this Court within some reasonable time.

3) I have considered the submissions of learned advocate Mr.Sejpal and learned Government Pleader Mr.A.D.Oza is having serious objection in respect to the submissions made by learned advocate Mr.Sejpal.

4) In view of the above submissions made by all the learned advocates, according to my opinion, it is also in the interest of justice that this controversy may be examined by the highest authority of the State, therefore, it is open for the petitioners to make detailed representation to the State Government within a period of three weeks from the date of receiving copy of the said order. As and when the representation will be received by State Government as well as by Director of Municipality, it is directed to them to consider the representation of the petitioners in light of the order passed by this Court in respect to the petition filed by the Municipality, wherein the award in question has been

confirmed by this Court granting the benefit of permanency with 25% arrears of interim period and also pass an appropriate reasoned order and examine the matter sympathetically, as these petitioners-workmen are working with the Municipality since more than 15 to 20 years continuously and this order is required to be passed by the State Government within two months from the date of receiving the representation of the petitioners.

5) In view of the above observations and directions these petitions are disposed of. Rule is discharged.

(H.K.Rathod, J.)
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